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***ELECTRONICALLY FILED***  
***August 18, 2014***

6 Attorney for Debtors/Defendants  
7 ANTHONY THOMAS and WENDI  
THOMAS  
8

9 UNITED STATES BANKRUPTCY COURT  
10 DISTRICT OF NEVADA

11 —ooOoo—

12 In Re:  
13 ANTHONY THOMAS and  
WENDI THOMAS,  
14  
15 AT EMERALD, LLC,

Case No. BK-N-14-50333-BTB  
Case No. BK-N-14-50331-BTB  
Chapter 11 Cases  
[Jointly Administered]

16  
17 Debtors,  
18 \_\_\_\_\_/

Adv. Pro. No. 14-05022

19 KENMARK VENTURES, LLC,

20 Plaintiff,

21 vs.

22 ANTHONY THOMAS and WENDI  
THOMAS,

23 Defendants.  
24  
25 \_\_\_\_\_/

**DECLARATION OF ALAN R. SMITH  
IN SUPPORT OF EX PARTE MOTION  
FOR ORDER SHORTENING TIME  
FOR NOTICE AND HEARING ON  
MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD**

Hearing Date: OST Pending  
Hearing Time: OST Pending

26 I, ALAN R. SMITH, hereby declare under penalty of perjury that the following  
27 assertions are true:

28 1. I am the court appointed general counsel for the Debtors in the above-captioned Chapter

1 11 cases. I have personal knowledge of the facts herein stated, and if called to testify as to such facts  
2 I would and could do so competently.

3 2. I have caused to be filed today an Ex Parte Motion For Order Shortening Time  
4 For Notice and Hearing on Motion To Withdraw As Attorney Of Record.

5 3. Pursuant to the Motion To Withdraw As Attorney Of Record, the Debtors have  
6 failed substantially to fulfill various obligations to me as specified in the agreement between us.  
7 Specifically, Debtors have refused to communicate timely and effectively with my office. Further,  
8 the Debtors and myself have come to an impasse regarding certain aspects of my representation that  
9 I believe cannot be overcome. I believe that because of the difference in opinion as how best to  
10 proceed in this case, I can no longer effectively represent the Debtors. As a result an adversarial  
11 relationship has developed, and I have sought withdrawal. I have requested that my motion to  
12 withdrawal be heard on the same date and time as the motion to appoint chapter 11 trustee, August  
13 22, 2014 at 2:00 p.m. Ordinary notice requirements cannot be met without an order shortening time  
14 for a hearing to approve the immediate withdrawal from these cases.

15 DATED this 18<sup>th</sup> day of August, 2014.

16  
17 By: /s/ Alan R. Smith  
18 ALAN R. SMITH, ESQ.  
19 Attorney for Debtors  
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**CERTIFICATE OF MAILING**

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the Law Offices of Alan R. Smith, and that on this day I deposited for mailing at Reno, Nevada, and sent via email, a true and correct copy of the attached document addressed as follows:

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c/o Anthony & Wendi Thomas  
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Dated: August 18, 2014

*/s/ Debra L. Goss*  
By: \_\_\_\_\_  
Debra L. Goss, Employee